

Amendments to the Drawings

The attached one (1) sheet of replacement drawings includes changes to FIG. 2, and replaces the corresponding original sheet that included this figure. FIG. 2 has been amended to include "Analyzer codes" as described in the specification.

Attachment: One (1) Replacement Sheet (FIG. 2)

REMARKS

The amendments to claims 1, 3-7, and 12-17 were made for clarification and are fully supported by the description in the specification (e.g., page 9, lines 6-8; page 10, lines 4-21; page 13, lines 10-14; page 20, line 20 to page 22, line 14; FIG. 2; etc.).

The amendments to FIG. 2 are fully supported by the description in the specification (e.g., page 13, lines 10-14; page 20, lines 4-19; etc.).

No new matter has been added. Upon entry of this Response, claims 1-19 remain present and active in the application.

Request for Personal Interview with Examiner

Unless all of the outstanding grounds of objection and rejection are withdrawn in light of the remarks below, Applicant respectfully requests a personal interview with the Examiner in accordance with MPEP § 713.01 prior to the issuance of any further rejections by the Office.

Objection to Drawings

The objection to the drawings under 37 CFR § 1.83(a) for failing to show every feature of the claimed invention has been obviated by amendment.

The recitation of "analyzer identification information" in the claimed invention has been replaced by the clarified recitation of "analyzer code" in the amendment adopted herewith. The newly recited "analyzer code" is clearly shown in FIG. 2 as amended (rightmost column of the table). As explained in the specification (e.g., page 13, lines 10-14; page 20, lines 4-19), the "analyzer code" identifies whether or not an analyzer used in the assay has a dilution mode.

Accordingly, for at least the reasons set forth above, withdrawal of this ground of objection is respectfully requested.

Objection to Specification

The objection to the amended ABSTRACT OF THE DISCLOSURE provided with Applicant's Response filed December 5, 2007 has been obviated by the presentation of

a clean copy of the ABSTRACT OF THE DISCLOSURE that commences on a separate sheet (i.e., page 4 of the present communication) apart from any other text. Accordingly, withdrawal of this ground of objection is respectfully requested.

Claim Rejections – 35 U.S.C. § 112

The rejection of claims 1-19 under 35 U.S.C. § 112, second paragraph, as being indefinite has been obviated by amendment.

The means plus function language has been clarified by the amendment adopted herewith. In addition, as noted above, the recitation of "analyzer identification information" has likewise been clarified.

Accordingly, for at least the reasons set forth above, withdrawal of this ground of rejection is respectfully requested.

Claim Rejections – 35 U.S.C. § 102

The rejection of claims 1-9 and 11-19 under 35 U.S.C. § 102(b) as being anticipated by *Mandler et al.* (U.S. Patent No. 6,275,150 B1) is respectfully traversed. As further explained below, *Mandler et al.* fails to teach or suggest each and every element of independent claims 1 and 12.

Each of independent claims 1 and 12 recites "a controller configured for determining whether the analyzer used in the assay has a dilution mode and the sample used in the assay is a diluted sample, and for correcting the result when the analyzer used in the assay does not have a dilution mode and the sample used in the assay is a diluted sample." This element is neither taught nor suggested by *Mandler et al.*

Mandler et al. describes a user interface for a biomedical analyzer system. In the Final Office Action (page 6, first full paragraph), the following argument is advanced:

The management apparatus of Mandler also includes a control means 10 configured for determining whether the analyzers has [sic] a dilution module 24 in which the dilution mode (PD) is in the "READY" or "OFF" state, as indicated by the status buttons 288, see Fig. 5 and col. 6, lines 6-60. That is, Mandler teaches a system where one of the analyzers 20a-c can be in the "OFF" state (i.e., no dilution mode) and the other analyzer is available (i.e., has a dilution mode).

In response to the above argument, Applicant respectfully submits that *Mandler et al.* does not teach or suggest that an analyzer in which the dilution module is set to the "OFF" state can conduct an assay. In other words, *Mandler et al.* does not teach or suggest "a controller configured for determining whether the analyzer used in the assay has a dilution mode and the sample used in the assay is a diluted sample, and for correcting the result when the analyzer used in the assay does not have a dilution mode and the sample used in the assay is a diluted sample," as required by each of independent claims 1 and 12.

Inasmuch as *Mandler et al.* fails to teach or suggest each and every element of independent claims 1 and 12, Applicant respectfully submits that the claimed invention is neither anticipated by nor would have been obvious in view of this reference. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

The rejection of dependent claim 10 under 35 U.S.C. § 103(a) as being unpatentable over *Mandler et al.* in view of *Okuno et al.* (EP 1107159 A2) is respectfully traversed.

Claim 10 depends indirectly from independent claim 1. However, as noted above, *Mandler et al.* fails to teach or suggest all of the elements of independent claim 1. Moreover, the deficiencies of *Mandler et al.* are not remedied by *Okuno et al.*, which likewise does not teach or suggest all the elements of independent claim 1.


For at least these reasons, Applicant respectfully submits that the claimed invention is neither anticipated by nor would have been obvious in view of these references, individually or in combination. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Conclusion

In view of the Amendment and Remarks set forth above, Applicant respectfully submits that the claimed invention is in condition for allowance. Early notification to such effect is earnestly solicited.

As noted above, if for any reason the Examiner feels that the above Amendment and Remarks do not put the claims in condition to be allowed, it is respectfully requested that the Examiner contact the undersigned agent directly at (312)-321-4257 in order to arrange a personal interview to discuss this case prior to the issuance of any further rejections.

Respectfully submitted,


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